

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

**JIMMY RICHARD JOHNSON
#171852**

PLAINTIFF

V.

CASE NO. 4:20-cv-201-LPR-BD

DARRELL ELKIN, *et al.*

DEFENDANTS

RECOMMENDED DISPOSITION

I. Procedures for Filing Objections

This Recommendation for dismissal has been sent to Judge Lee P. Rudofsky. Mr. Johnson may file objections with the Clerk of Court if he disagrees with the facts or conclusions set out in the Recommendation. To be considered, however, objections must be filed within 14 days. Objections should be specific and should include the factual or legal basis for the objection.

If Mr. Johnson does not file objections, he risks waiving the right to appeal questions of fact. And, if no objections are filed, Judge Rudofsky can adopt this Recommendation without independently reviewing the record.

II. Discussion

Mr. Johnson is currently in the Yell County Jail. He filed this lawsuit on February 26, 2020, but he did not include either a filing fee or an application to proceed *in forma pauperis* (IFP). In a February 28 Order, the Court directed Mr. Johnson to file an IFP application or pay a \$400 filing fee within 30 days. (Doc. No. 3) The Court specifically cautioned him that his claims could be dismissed if he failed to address the filing fee

requirement within the time allowed. To date, he has failed to comply with the Court's February 28 Order, and the time for responding has passed.

III. Conclusion

The Court recommends that Mr. Johnson's claims be DISMISSED, without prejudice based on his failure to comply with the Court's February 28 Order and his failure to prosecute his claims.

DATED, this 30th day of March, 2020.

A handwritten signature in black ink, appearing to read "Bethesda", is written above a horizontal line.

UNITED STATES MAGISTRATE JUDGE